



# Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222  
Phone: (502) 429-7150 Fax: (502) 429-7158 Website: [www.kbml.ky.gov](http://www.kbml.ky.gov)

Summer 2010

Preston P. Nunnelley, M.D., President

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## Reminder on Use of Pre-Signed Prescriptions for Controlled Substances

In recent months, the Board has reviewed several instances where physicians were allegedly pre-signing prescriptions for controlled substances for their staff to issue while they were out of the office. The Board finds this action very troubling and wanted to remind all Kentucky physicians that federal and state law clearly prohibits practitioners from pre-signing prescriptions for controlled substances. According to statutory language, all prescriptions for controlled substances shall be dated as of, and signed on, the day when issued and shall bear the full name and address of the patient, the drug name, strength, dosage form, quantity prescribed, directions for use and the name, address and registration number of the practitioner.

If you would like to review the federal and state laws addressing this issue, they are as follows: 21 CFR, Section 1306.05 and KRS 218A.180.

## Use of Chaperones in Examining Room

Using a chaperone in the examining room has long been recommended for physicians performing pelvic and breast examinations. In the last decade, however, the Board has received an increasing number of complaints of sexual impropriety by physicians of all specialties, during examinations of other kinds. Allegations of sexual misconduct are particularly difficult to investigate and resolve if there is no witness to the physician/patient interaction. Few physicians believe they are or can be perceived as threatening to their patients. But, as any physician who has been the target of a complaint of this nature will say, it is very hard to know in advance who may be offended, and what behavior may be considered offensive by the patient. The Board believes that many complaints, stressful investigations, and adverse outcomes could be avoided by physicians' routine use of chaperones in the examining room.

Physicians performing examinations, in which the patient has little or no choice in who will provide the examination, are at particular risk for allegations of improper behavior. Complaints can range from sexual misconduct or verbal harassment to intentional infliction of pain. In such examinations, it is important for the physician's own protection to consider using a chaperone in the examining room. Unless there is a third party present, the Board's determination of unprofessional conduct will rest on the credibility of the complainant versus that of the physician. If the patient's version of events is credible, the physician may regret not using a chaperone.

For further information and direction on the use of chaperones, please refer to the AMA's Code of Medical Ethics, 8.21.

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## Board Actions Report (Actions taken since 04/01/10)

Board Orders can be viewed under the Physician Profile/Verification of License link on the Board's website at [www.kbml.ky.gov](http://www.kbml.ky.gov).

### **Alex F. Argotte, M.D., Paducah, KY, License # 36267**

Agreed Order entered into 05/24/10.

### **John Brazzell, M.D., Boaz, KY, License # 19912**

Agreed Order entered into 06/07/10.

### **Genevieve A. Carnero, M.D., Louisville, KY, License # R2254**

Agreed Order of Fine entered into 06/28/10.

### **Vinson M. DiSanto, D.O., Marlton, NJ, License # 03250**

Agreed Order of Fine entered into 04/07/10.

### **Thomas Donahue, M.D., Pikeville, KY, License # 20898**

Order Terminating Agreed Order issued 06/04/10.

### **Gregory G. Duma, M.D., Covington, KY, License # 28974**

Third Amended Agreed Order of Indefinite Restriction entered into 05/20/10.

### **Jeffrey N. Fadel, Louisville, KY, License # 22556**

Order Terminating Second Amended Agreed Order issued 05/03/10.

### **Mohammad Fattal, M.D., St. Clairsville, OH, License # 43438**

Agreed Order of Fine entered into 01/19/10.

### **Bill W. Haney, M.D., Louisville, KY, License # 22787**

Agreed Order of Indefinite Restriction entered into 05/05/10.

### **Molly Hasty, M.D., Louisville, KY, License # 40445**

Agreed Order entered into 06/08/10.

### **Robert Z. Joseph, M.D., Danville, KY, License # 26611**

Order Terminating Agreed Order of Indefinite Restriction issued 05/25/10.

### **Tariq K. Malik, M.D., Owensboro, KY, License # 32045**

Order Terminating Agreed Order issued 05/25/10.

### **Michael S. Nethers, M.D., Elizabethtown, KY, License # 27334**

Agreed Order entered into 04/15/10.

### **Sidi Y. Noor, M.D., Piney Flats, TN, License # 36646**

Agreed Order of Indefinite Restriction entered into 05/24/10.

### **Parag Patel, M.D., Erlanger, KY, License # 36991**

Agreed Order entered into 06/10/10.

### **Brian Peters, M.D., Payson, AZ, License # 28893**

Order Denying Application filed 06/04/10.

### **George A. Renaker, M.D., Florence, KY, License # 12802**

Agreed Order of Surrender entered into 04/27/10.

### **Roy D. Reynolds, M.D., Franklin, KY, License # 19383**

Agreed Order of Fine entered into 05/12/10.

### **Thomas J. Schroeder, M.D., Louisville, KY, License # 18652**

Order Terminating Agreed Order issued 05/25/10.

### **Gregory Jackson, ATC, Lexington, KY, Certificate # AT476**

Agreed Order entered into 05/25/10.

### **Anissa R. Hargis, PA-C, Louisville, KY, License # PA353**

Order Terminating Agreed Order of Revocation, Stayed; Second Amended Agreed Order of Indefinite Restriction entered into 06/07/10.

**Restrictions have also been placed on the following physician's license pending resolution of charges brought against this physician:**

### **Douglas H. Rank, M.D., Covington, KY, License # 27590**

Emergency Order of Suspension issued 04/21/10, effective 04/23/10; Complaint Filed 04/21/10.

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## Upgrade to Board's Computer Software

Recently, the Board approved an upgrade to its current database software. This upgrade has provided the capability to allow on-line renewals for professions currently regulated by the Board.

This new software also allows a new applicant for licensure the ability to check the status of their pending application online. The applicant is provided a user name and password by staff and the applicant can log on at any time to check on the items needed to complete their licensure file. This status is in real time.

In addition to the above information, the option to change a mailing or practice address has been added to the website. Once an individual is issued a license/certificate, they have the ability to log on and change their addresses as well as phone numbers. The user can log on by using their KY license/certificate number as their "username" and the last four digits of their social security number as their "password".

Finally, the Board is developing an on-line application for all individuals applying for licensure/certification. The on-line applications are expected to be launched in the next few months.

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## Take Necessary Steps When Terminating A Patient

(Reprinted in part from the February 4, 2008 *American Medical News*)

The ethics of the medical profession define the physician-patient relationship as one in which the doctor accepts ongoing responsibility for the patient's medical care. Unfortunately, there will be some physician-patient relationships that, for whatever reason, simply do not work.

Therefore, it is in the best interests of not only the physician, but also the patient, to terminate the relationship. A physician may legally and ethically decide not to continue treating a patient as long as the patient is not in need of immediate care and has been given a reasonable opportunity to find another doctor, which is consistent with the recommendations of the American Medical Association Council on Ethical and Judicial Affairs.

But the patient-physician relationship, while not a written contract, should be treated as one by the physician in order to avoid legal trouble upon its termination.

So it is advisable that a physician handle the dissolution as he or she might any other contractual relationship- by drafting a letter, reviewed (or written) by an attorney, to the patient, explaining that their "contract" has been terminated, and why.

**Causes for Termination:** Listed below are some of the causes for terminating a patient.

- The patient fails to pay his or her bills.
- The patient continually cancels or misses appointments.
- The patient is rude, disruptive, uses improper language, exhibits violent behavior or threatens the safety of the office staff or other patients.
- The patient is dissatisfied with the care received from the physician.
- The patient requires more highly specialized services than the physician can provide.
- There is a conflict of interest between the patient and the physician, such as the physician's religious beliefs preclude his or her from providing certain treatment options, or the physician has a personal or financial interest in the treatment option.
- The patient is habitually uncooperative and refuses to comply with the treatment plan.
- The patient is unreasonably demanding.
- The patient did not provide an honest medical history or was misleading in the information he or she provided, thereby compromising the efficacy of treatment.
- The patient develops a personal interest in the physician. Examples include excessive contact with the physician, demanding the physician's time in the absence of a legitimate or urgent medical need, and becoming angry or unreasonable when the physician is unavailable.
- The physician develops a personal interest in the patient. Examples include consultations that involved discussion of information not relevant to the patient's treatment, the physician becomes attracted to the patient or the physician acts in a manner that would be deemed inappropriate by his or her colleagues.
- The patient files a complaint or initiates a legal proceeding against the physician.

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**Kentucky Board of Medical Licensure**

**Change of Address Notice**

**Please Note:** The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at [kbml.ky.gov](http://kbml.ky.gov).

*(Please Print or Type Information)*

**Date:** \_\_\_\_\_

**KY License Number:** \_\_\_\_\_

**Name:** \_\_\_\_\_  
(last) (first) (m.i.)

**Mailing Address:** \_\_\_\_\_  
(street)

\_\_\_\_\_  
(city) (state) (zip)

**KY Practice County:** \_\_\_\_\_ **Office Telephone:** \_\_\_\_\_

**Practice Address:** \_\_\_\_\_  
(street)

\_\_\_\_\_  
(city) (state) (zip)

**E-Mail Address:** \_\_\_\_\_

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**Kentucky Board of Medical Licensure**

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Louisville, KY 40222

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